

FEB 25 2019

BY  
DEPUTY \_\_\_\_\_

CIVIL ACTION NO. 1:19-CV-60

Jason Christian Varner #1679158  
Stiles Unit  
3060 FM 3514  
Beaumont, TX 77705

vs.

LORIE DAVIS  
DIRECTOR, TDCJ-CID

PETITIONER'S MOTION TO ALTER JUDGMENT

NOW COMES THE PETITIONER'S MOTION TO ALTER JUDGMENT WITH THIS HABEAS CASE BROUGHT BY A TEXAS STATE PRISONER, JASON C. VARNER UNDER 28 U.S.C. § 2254. ON FEBRUARY 14<sup>TH</sup>, 2019 THE U.S. MAGISTRATE JUDGE SIGNED A ORDER THAT UNDER FEDERAL RULE OF CIVIL PROCEDURE 21 ALLOWS THE COURT TO SEVER CLAIMS ORIGINALLY BROUGHT IN THE SAME ACTION.

AFTER REVIEWING ALL RELEVANT FACTORS, IT IS THE OPINION OF THE PETITIONER THAT THE CLAIMS IN THE PETITION THAT THE U.S. MAGISTRATE JUDGE CLAIMS THE PETITIONER MAKES CLAIM CONCERNING THE CONDITION OF HIS CONFINEMENT WHICH WHICH IF IMPOSED THROUGH THE DISCIPLINARY CASE HEARING IN VIOLATION OF FEDERAL LAW ENTITLES A INMATE TO RELIEF *WOIFF V. Mc. Donnell*, 418 U.S. 539 (1974) - *WOIFF*, 418 U.S. 571. ACCORDINGLY NO CLAIMS THAT IS INTERPRETED TO CHALLENGE THE CONDITIONS OF CONFINEMENT DO NOT ONLY THE PUNISHMENT IMPOSED IN VIOLATION FEDERAL LAW.

MOREOVER THE MAGISTRATE'S JUDGE ORDER INCLUDES THE PETITIONER MAKES A CLAIM OF A COMPLAINT OF RETALIATION FOR FILING A SEXUAL HARASSMENT COMPLAINT AGAINST A RANKING OFFICER, WHICH IS A (FALSE) ALLEGATION. THE PETITIONER HAVE NO RECOLLECTION OF MAKING NO SUCH ALLEGATION IN A CLAIM AS BASIS FOR RELIEF IN PETITION CIVIL ACTION NO. 1:19-CV-60.

THE GROUND FOR RELIEF IN DISCIPLINARY CASE #2017036916 SHOULD BE A (CODE 3.5) INFRACTION-EXPOSING OF FECES. IN ACCORDANCE WITH THE FEDERAL LAW *WOIFF V. Mc. Donnell*. THE ORDER FOR SEVERING CIVIL ACTION NO. 1:19-CV-60 SHOULD BE ALTERED TO IT'S ORIGINAL DISPOSITION.

CONCLUSION

IN ACCORDANCE WITH FEDERAL LAW *WOIFF V. Mc. Donnell*, THE ORDER SEVERING CIVIL ACTION NO. 1:19-CV-60 SHOULD BE TO IT'S ORIGINAL DISPOSITION

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\* ORDER ALTERING MAGISTRATE'S ORDER \*

ON THE MOTION OF THE PETITIONER, THE PETITIONER'S 288V.S.C.  
2254 PETITION CLAIMS IS TO BE ALTERED BACK TO ITS ORIGINAL DISPOSITION  
TO REFLECT ALL ORIGINAL GROUNDS AND MERITS.

IT IS HEREBY ORDERED,

SIGNED ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
PRESIDING JUDGE

\* Petitioner/PRO SE

S/ JASON C. VARNER  
JASON CHRISTIAN VARNER  
Petitioner/PRO SE  
TDCJ #1679158

STILES UNIT  
3060 FM 3514  
BEAUMONT, TEXAS  
77705

PRO SE-PETITIONER

CERTIFICATE OF SERVICE

I do hereby CERTIFY THAT A TRUE AND CORRECT COPY OF  
THE ABOVE AND FOREGOING PLEADING IS BEING SERVED BY  
PLACING THE SAME IN THE UNITED STATES MAIL, POSTAGE FIRST  
CLASS ON THE 20th DAY OF FEBRUARY, 2019, ADDRESSED; DISTRICT  
CLERK U.S. DISTRICT COURT, 300 WILLOW STREET, SUITE 104  
BEAUMONT, TEXAS, 77705.

/s/ Petitioner-PRO SE  
JASON C. VARNER